

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ME2 PRODUCTIONS, INC.,

Plaintiff,

v.

ROBERT KARIUKI;
GARY VONERICHSEN;
JOSEPH DELACRUZ;
JOSHUA HANCOCK;
JEREMY REEVES; and
PHYLIS KIHUYU,

Defendants.

Civil Action No. 17-cv-1077RSL

JOINT STATUS REPORT

Plaintiff and Defendant Robert Kariuki respectfully submit this Joint Status Report and Discovery Plan in response to the Court's November 16, 2017 Order. (Dkt. 43). Despite multiple written requests for participation from remaining active Defendant Jeremy Reeves (see Lowe Dec., Dkt. 49), and a further email exchange spanning December 13 and 14 scheduling and attempting the conference, a copy of which is attached hereto, as of the date of this filing Defendant Reeves had not substantively responded or otherwise participated in the required Rule 26(f) conference, making it impossible for his inclusion in this report.

1 **1. Statement of the Nature and Complexity of the Case**

2 Plaintiff is a developer and producer of the motion picture *Mechanic: Resurrection*
3 (“motion picture”). Plaintiff brought this action to stop Defendant and others from copying and
4 distributing to others unauthorized copies of Plaintiff’s copyrighted motion picture through the
5 BitTorrent file sharing protocol. Plaintiff has accused Defendants of infringement of Plaintiff’s
6 exclusive rights protected under 17 U.S.C. § 101 et seq. Defendants Kariuki and Reeves are the
7 sole remaining active parties from the original group of Does in this case.

8 **2. Deadline for Joining Additional Parties**

9 The parties propose that additional parties be joined by February 5, 2018.

10 **3. Referral to Magistrate Judge**

11 Plaintiff is fine with referral to a magistrate judge, but will change this response to “NO”
12 if not agreed to by all Defendants.

13 **4. The existence of any related cases pending in this or other jurisdictions and a proposal
14 for how to handle them**

15 The parties are not aware of any related cases, apart from what has been previously noted
16 in the pleadings of record.

17 **5. FRCP 26(a)(1) initial disclosures**

18 Plaintiff timely served its initial disclosures on December 4, 2017.

19 **6. Timing or form of expert and pretrial disclosures under FRCP 26(a)(2)-(4)**

20 The parties do not propose any changes.
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1 **7. Subjects, timing and potential phasing of discovery**

2 Without waiving any objections to the relevance or admissibility of information and
3 documents implicated by the description of topics, Plaintiff believes that the subject matter of its
4 discovery may include the following:

- 5 • Copyright application and registration materials and any assignments or transfers
6 of copyright ownership
- 7 • Correspondence and other documents relating to communications between the
8 parties
- 9 • Computer hardware and router used with IP address, or information pertaining to
10 its spoliation
- 11 • Identification of individuals given access to the IP address during the relevant
12 period(s) of time
- 13 • Claims asserted and defenses raised by the parties
- 14 • Damages

15 Plaintiff does not believe that discovery should be conducted in phases or be limited to or focused
16 upon particular issues.

17 **8. Preservation of discoverable information**

18 The parties have discussed the need to preserve discoverable information.

19 **9. Electronically stored information (“ESI”)**

20 The parties believe at this stage that only modest, targeted requests may be required for
21 electronic information. The Parties agree to abide by the Court’s Model Protocol for discovery of
22 ESI.

23 **10. Privilege issues**

24 The parties believe that privilege logs should be exchanged for any claimed privileged
25 material that existed prior to commencement of the lawsuit. Plaintiff does not believe that privilege
26



logs should be exchanged for any claimed privilege materials created after commencement of the lawsuit. The parties recommend setting a date for the mutual exchange of privilege logs.

11. Inadvertent disclosure of privileged information

The Parties agree that any privileged document(s) that is/are inadvertently sent by one party to the opposing party will be promptly destroyed by the party receiving the privileged document(s) or promptly returned to the sending party upon notice and request of the sending party and that the receiving party will not use any of the privileged information contained in said document(s) in any way.

12. Changes to limitations on discovery

The parties do not anticipate that discovery will be overly burdensome on either party and, therefore, do not have any proposed limitations on discovery at this time. Accordingly, the Parties intend to abide by the limitations and procedures for discovery set forth in the Federal Rules of Civil Procedure.

13. Date for completion of discovery

The parties believe that fact discovery can be completed by July 20, 2018.

14. Suggestions for the prompt and efficient resolution of the case

The parties believe that early ADR would be most effective.

15. Alternative dispute resolution

The parties believe that mediation is the preferred ADR method.

16. Ready for trial

The parties believe that the case will be ready for trial November 2018.

17. Trial by jury

A jury trial has been requested.



1 **18. Number of trial days required**

2 The parties anticipate that trial on this matter will require 2-3 court days.

3 **19. Disclosure statements**

4 Plaintiff filed its FRCP 7.1 and LCR 7.1 statement on June 9, 2017. (Dkt. 4)

5
6 DATED December 14, 2017.

7
8 s/ David A. Lowe, WSBA No. 24,453

9 Lowe@LoweGrahamJones.com

10 LOWE GRAHAM JONES^{PLLC}

11 701 Fifth Avenue, Suite 4800

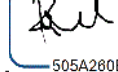
12 Seattle, WA 98104

13 T: 206.381.3300

14 F: 206.381.3301

15 *Attorneys for Plaintiff*

DocuSigned by:



12/14/2017

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Robert Kariuki

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Federal Way, WA 98023

robertkariuki@comcast.net

(sent via DocuSign per his
request)

Jeremy Reeves

13305 SE 19th St.

Vancouver, WA 98683

jeremy13305@comcast.net

jeremyreeves12@yahoo.com



From: David Lowe
Sent: Thursday, December 14, 2017 9:08 AM
To: 'jeremy reeves' <jeremyreeves12@yahoo.com>; 'Jeremy13305@comcast.net' <Jeremy13305@comcast.net>
Cc: Blake Hoonan <hoonan@lowegrahamjones.com>
Subject: RE: ME2 Prod. v. Does, 17-cv 1077, Rule 26(f) Conference
Importance: High

Mr. Reeves,

We called both of your numbers this morning for the 9am Rule 26(f) conference and you did not answer. We left VM on both lines. We indicated our availability until 9:15am this morning, and a reminder about the deadline we have today to file the JSR. If other times today work for the conference, please let us know. If we do not receive your input on the JSR, we will have no choice but to file it without you and indicate the same, by the close of business today.

David A. Lowe
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DD: 206.381.3303 Cell: 206.335.3303 Lowe@LoweGrahamJones.com

Information in this email message may be privileged, confidential and protected from disclosure. If received in error, please respond and destroy all copies.

From: David Lowe
Sent: Thursday, December 14, 2017 7:35 AM
To: 'jeremy reeves' <jeremyreeves12@yahoo.com>; 'Jeremy13305@comcast.net' <Jeremy13305@comcast.net>
Cc: Blake Hoonan <hoonan@lowegrahamjones.com>
Subject: ME2 Prod. v. Does, 17-cv 1077, Rule 26(f) Conference

Mr. Reeves,

Thank you for your email response. If you are unwilling to join the proffered conference call or indicate a different time, we will contact you at 360.949.1016 today at 9am. We expect that you will be prepared with your input to the proposed JSR, as well as prepared to sign the finalized JSR later today so that we can file it by the close of business, as required by the Court.

Also, you are under the mistaken belief that Plaintiff has an obligation to force you to participate in the required Rule 26(f) conference, or that Plaintiff is required to contact you by telephone to arrange the Rule 26(f) conference. Rather, as clearly set forth in the initial scheduling order (Dkt. 43), while Plaintiff is responsible for

starting the communications—which it did with multiple written invitations to indicate a time or manner of the required Rule 26(f) conference—both parties are equally required to participate in the conference and prepare and file the required Joint Status Report (JSR).

Thank you

David A. Lowe
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From: jeremy reeves [<mailto:jeremyreeves12@yahoo.com>]
Sent: Wednesday, December 13, 2017 9:07 PM
To: David Lowe <lowe@lowegrahamjones.com>
Subject: Re: ME2 Prod. v. Does, 17-cv 1077, Rule 26(f) Conference

You have my numbers. You can call them to arrange conference. Just because you haven't is in no way, shape, or form, my fault or my problem. I've given you my number multiple times and its provided in every document I have submitted.

On Wednesday, December 13, 2017 9:44 AM, David Lowe <lowe@lowegrahamjones.com> wrote:

Conference call information:

- * Dial-in Number: 641.715.3272
- * Access Code: 680202#